

CITY OF BURLINGTON PLANNING DEPARTMENT

Conditional Rezoning Procedures and Application

TYPES OF REQUESTS

General Purpose Rezoning

The Zoning Ordinance provides for a variety of residential, commercial, office-institutional and industrial zoning classifications. The zoning districts, along with accompanying regulations and a Table of Permitted Uses, are outlined within the ordinance. General purpose rezoning requests require Planning and Zoning Commission approval as well as consideration and approval by the Burlington City Council at a public hearing.

Conditional Rezoning

The Zoning Ordinance provides for several conditional rezoning classifications that provide enhanced flexibility in the development of well planned small and large projects that focus on design criteria and compatibility of proposed uses within the surrounding area. A conditional rezoning request permits the applicant to condition or limit the uses allowed on the site and offer development standards that exceed those found within general zoning classifications. Conditional rezoning requests typically include a site specific development plan that must be reviewed by the City's Technical Review Committee (TRC) prior to submission to the Planning and Zoning Commission and City Council.

CONSIDERATION OF REQUESTS

All general and conditional rezoning requests are first heard by the Planning and Zoning Commission which then makes a recommendation to the Burlington City Council. Final decisions as to approve or deny rezoning requests rest with the Council. In instances where the Planning and Zoning Commission recommends approval of a request, a public hearing is automatically scheduled before City Council. When the Commission makes a recommendation for denial, the petitioner may appeal the request to City Council and ask that a public hearing date be set to consider the rezoning.

The administration, amendment and enforcement of the Zoning Ordinance and Official Zoning Map are accomplished within the framework of the City of Burlington Comprehensive Plan and its supporting documents. These documents include:

- Area plans, including the Southwest Area Land Use Plan.
- The Western Loop Corridor Plan and Future Land Use Map.
- The Burlington Urban Area Thoroughfare Plan.
- Parks, Recreation and Open Space Plans.
- Capital improvement planning documents.
- Stormwater Management Control Regulations.
- Existing conditions.

These documents and the policies they represent are essential in the evaluation of the impact and appropriate uses of each rezoning request.

FILING

Filing for a rezoning or conditional rezoning requires:

- A completed and signed application form.
- Application fee.
- For conditional rezonings, a specific development plan or zoning sketch plan.
- Any required utility or stormwater plans as may be required.

APPLICATION FEES¹

Less than one acre	\$250.00
One acre to 4.9 acres	\$500.00
Five acres or more	\$750.00

¹ Checks should be made payable to the City of Burlington.

A completed and signed application form, site specific development plan or zoning sketch plan for a conditional rezoning request and any required utility or stormwater plans along with the application fee must be presented to the Planning Department prior to the submittal deadline date listed below. Failure to meet the submittal deadline date with a completed application and accompanying materials will delay the processing of the application.

2016 Planning and Zoning Commission Meeting Schedule¹

Application Submittal Deadline 5:00 p.m.²	P&Z Commission Meeting – 7:00 p.m.
January 8, 2016	January 25, 2016
February 5, 2016	February 22, 2016
March 11, 2016	March 28, 2016
April 8, 2016	April 25, 2016
May 6, 2016	May 23, 2016
June 10, 2016	June 27, 2016
July 8, 2016	July 25, 2016
August 5, 2016	August 22, 2016
September 9, 2016	September 26, 2016
October 7, 2016	October 24, 2016
November 11, 2016	November 28, 2016
December 2016 – TBA	December 2016 – TBA

¹All deadlines and meeting times and dates are subject to change. Please check with Planning staff at (336) 222-5110 to confirm dates and times.

²Prior to submittal to the Planning and Zoning Commission, all items that need to be reviewed by the Technical Review Committee (TRC) must either: (a) receive approval from the TRC; or, (b) obtain at least two reviews without approval by the TRC.

BEFORE THE MEETING

Discussion With Interested Parties

It is recommended that the applicant discuss plans with adjoining property owners, neighborhood associations and other interested parties prior to the Planning and Zoning Commission meeting.

Staff Report

Approximately one week before the upcoming Planning and Zoning Commission meeting, staff will prepare an agenda and recommendations on either to approve or deny a rezoning request.

A letter from the Planning Department and a copy of the Planning and Zoning Commission agenda will be mailed to the applicant to the address shown on the application form.

Withdrawals

A request to withdraw an agenda item must be made in writing, signed by the applicant and submitted to Planning staff.

Continuances

A continuance of a rezoning request may be granted at the discretion of the Planning and Zoning Commission. If granted, the Planning and Zoning Commission will continue the rezoning application until its next scheduled meeting.

P&Z COMMISSION MEETING

The applicant or representative **must** be present at the Planning and Zoning Commission meeting. Meetings are normally held the fourth Monday of each month at 7:00 p.m. in the Council Chamber of the Municipal Building, 425 South Lexington Avenue, Burlington.

At the beginning of each meeting, the Chair of the Planning and Zoning Commission will review voting procedures. The applicant or representative and citizens will have an opportunity to address the Commission. Maps, photographs, diagrams and other presentation materials may be incorporated into presentations to the Commission. Any materials presented to the Commission remain with the case file; therefore, duplicates should be provided. This includes written petitions that should list the address of each signatory.

Outcome

A majority favorable vote by the Planning and Zoning Commission constitutes a recommendation for approval of the rezoning request, which is automatically forwarded for a public hearing before the City Council. A notice of the public hearing will be published pursuant to state statutes and notice by first class mail is sent to all adjoining property owners.

A rezoning receiving an unfavorable vote by the Planning and Zoning Commission constitutes denial of the request. In this instance, the petitioner does have the option of appealing the request to City Council. Appeals to City Council generally must be made to the City Manager within 30 days of the Planning and Zoning Commission decision and should be in writing. City Planning staff will be available to advise petitioners with regard to specific procedures when appealing requests that have received an unfavorable recommendation from the Planning and Zoning Commission.

This document is intended for public information purposes only. It summarizes and omits some provisions. It is not to be construed or used as an official interpretation of the City of Burlington Zoning Ordinance in any legal proceeding.

CITY OF BURLINGTON PLANNING DEPARTMENT

Conditional Rezoning Application Part I

Date Submitted _____ Fee/Receipt No. _____ / _____

Provide the required information as indicated below. Pursuant to the City of Burlington Zoning Ordinance, this application will not be processed until application fees are paid, the form below is completed and signed and all required maps and plans and documents have been submitted to the satisfaction of the Planning Department. Additional sheets for tax references, signatures and use and development conditions are attached.

Pursuant to Section 32.19 of the City of Burlington Zoning Ordinance, the undersigned hereby requests the City of Burlington to rezone the property listed below from _____ zoning district to _____ zoning district for the following purpose: _____

Said property is located _____

being a total of _____ acres and further referenced on Alamance County or Guilford County Tax Maps as follows: (Additional space on Page 5)

Tax Map _____

Tax Map _____

Tax Map _____

Tax Map _____

Check one:

- ☐ The property requested for rezoning is an entire parcel or parcels as shown on the Alamance or Guilford County Tax Map.
- ☐ The property requested for rezoning is a portion of a parcel or parcels as shown on the Alamance or Guilford County Tax Map and a written legal description of the property and a map are attached.

Check one:

- ☐ Public services (i.e., water and sewer) are not requested or required.
- ☐ Public services (i.e., water and sewer) are requested or required.

Conditional rezoning requirements:

- ☐ Zoning Sketch Plan. A sketch plan illustrating proposed conditions and other pertinent information is required for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Section 32.19 of the City of Burlington Zoning Ordinance for conditional rezoning requirements.

- ☐ Zoning Conditions. Use and/or development conditions must be provided. Complete Part II of this application. Refer to uses as listed in the Table of Permitted Uses, Section 32.9, of the City of Burlington Zoning Ordinance.

CITY OF BURLINGTON

PLANNING DEPARTMENT

Conditional Rezoning Application

Part II

USE CONDITIONS: Uses of the property shall be limited to the following uses as listed in the Table of Permitted Uses, Section 32.9, of the City of Burlington Zoning Ordinance: (Additional space on Page 6)

- 1) _____

- 2) _____

- 3) _____

- 4) _____

DEVELOPMENT CONDITIONS: Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the City of Burlington Zoning Ordinance: (Additional space on Page 6)

- 1) _____

- 2) _____

- 3) _____

- 4) _____

(Additional signature space on Page 5)

Property Owner's Signature

Representative's Signature (if applicable)

Property Owner's Name Printed

Representative's Name Printed

Name of Firm (if applicable)

Name of Firm (if applicable)

Mailing Address

Mailing Address

City, State and Zip Code

City, State and Zip Code

Area Code and Daytime Telephone Number

Area Code and Daytime Telephone Number

Additional Tax Map References: (Continued from Page 3)

Further referenced on Alamance or Guilford County Tax Maps as:

Tax Map _____

Tax Map _____

Tax Map _____

Tax Map _____

Additional Signatures: (Continued from Page 4)

Property Owner's Signature

Representative's Signature (if applicable)

Property Owner's Name Printed

Representative's Name Printed

Name of Firm (if applicable)

Name of Firm (if applicable)

Mailing Address

Mailing Address

City, State and Zip Code

City, State and Zip Code

Area Code and Daytime Telephone Number

Area Code and Daytime Telephone Number

Property Owner's Signature

Representative's Signature (if applicable)

Property Owner's Name Printed

Representative's Name Printed

Name of Firm (if applicable)

Name of Firm (if applicable)

Mailing Address

City, State and Zip Code

Area Code and Daytime Telephone Number

Mailing Address

City, State and Zip Code

Area Code and Daytime Telephone Number

Additional Use Conditions: (Continued from Page 4)

- 5) _____

- 6) _____

- 7) _____

- 8) _____

- 9) _____

- 10) _____

Additional Development Conditions: (Continued from Page 4)

- 5) _____

- 6) _____

- 7) _____

- 8) _____

- 9) _____

- 10) _____
